

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14cv122**

MICHAEL A. KITCHEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
)	
PATRICK BARTON, et al.,)	
)	
Defendants.)	
<hr/>)	

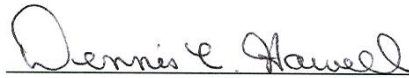
Pending before the Court is the Motion for Recusal [# 28]. Plaintiffs move to have this Court recuse itself from hearing this matter as a result of the Court's prior written opinions in an unrelated case in which Plaintiff Michael Kitchen was a party. Upon a review of the record, the Court finds that Plaintiffs' motion is without merit.

In support of Plaintiffs' Motion for Recusal, counsel for Plaintiffs submitted a Memorandum Brief in Support of Motion for Recusal. The legal memorandum, however, consists of two paragraphs and fails to contain a single citation to any legal authority or any legal argument whatsoever. Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion for recusal is similarly devoid of any legal authority or legal discussion of the relevant legal standard for seeking the

disqualification of a federal judge. Such cursory and conclusory pleadings filed by counsel fail to set forth sufficient legal grounds to require this Court to recuse or disqualify itself from hearing this case.

Moreover, Plaintiffs failed to submit an affidavit as required by 28 U.S.C. § 144. Finally, disqualification is not required pursuant to 28 U.S.C. § 455(b) because this Court does not have a personal bias or prejudice concerning Plaintiffs and none of the other listed grounds for disqualification under Section 455 are applicable to this dispute. Accordingly, the Court **DENIES** the motion [# 28].

Signed: March 2, 2015

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

